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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FIRST APPELLATE DISTRICT

DIVISION FIVE

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDRES P. CASTILLO,

Defendant and Appellant.

A121879

**(San Francisco City and County
Super. Ct. No. 196417)**

**ORDER MODIFYING OPINION
AND DENYING REHEARING
[NO CHANGE IN JUDGMENT]**

THE COURT:

It is ordered that the opinion filed September 16, 2010, be modified as follows:

On page 28, the second full paragraph, beginning “We conclude that,” is deleted and the following paragraph is inserted in its place:

We conclude that appellant has forfeited this claim of error because it is raised for the first time in his reply brief, denying the People an opportunity to respond. (*People v. Zamudio* (2008) 43 Cal.4th 327, 353-354 [normally, a contention may not be raised for the first time in a reply brief].)

There is no change in the judgment.

Appellant’s petition for rehearing is denied.

Dated: _____, Acting P. J.
Simons, Mark